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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,284

12/04/2003

Jin Degen

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09/08/2005

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,284	<b>Applicant(s)</b> DEGEN ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Handwritten mark*

### **DETAILED ACTION**

This is a first office action on the merits of application SN 10/728,284.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a detailed drawing of the handle is required to show the relationship of the L-iron to the handle portion and connecting portion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because incomplete disclosure of the related co-pending application in the cross reference section on page 1 of the specification.

Appropriate correction is required.

3. The disclosure is objected to because of the following informalities:

- In page 8, paragraph 24, line 2 states "opposing beams 31" and the reference number 31 and the context of the sentence implies that the phrase should be "connecting members 31".
- The differences in each figure should be described in the brief description section on page 6.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,622,644 to Buono. Buono '644 discloses a table (10) with a table top (12). The table top (12) has a top surface (12a) and a bottom surface (12b). A first leg assembly (14) and a second leg assembly (16) pivotally attached to the table top (12). A first connecting member (34) is attached to the bottom surface (12b). A handle (30,32,42) is attached to the inner side of the first connecting member so that a space is formed between the handle (30,32,42) and the bottom surface (12b). The handle (30,32,42) has a handle portion (42) and a connecting portion (30,32) that is attached to the inner side of the first connecting member. The handle (30,32,42) is formed discretely from the first connecting member (34) and the handle portion (42) from the connecting portion (30,32). A second connecting member (36) faces the first connecting member (34). The connecting portion (30,32) of claim 2 is ~~(on a different~~ claim tree than claims 7-10 and therefore is also the connecting bars (30,32) such that a first connecting bar (32) is disposed between the first connecting member (34) and the second connecting member (36). The second connecting bar (30) is disposed between the first connecting member (34) and the second connecting member (36). A first support assembly (21) is connected to the first leg assembly (14) on a first end and the second end of the first support assembly (21) is connected to the first connecting bar (32). A second support assembly (23) is connected to the second leg assembly (16) on a first end and the second end of the second support assembly (23) is connected to the

should place this differently  
 Elements (30,32) would be readable as the connecting portion of cl. 2 but as connecting bar for cl. 7-10. Since the scope of claim 2 is different than that of cl. 7-10, and cl. 7-10 are not dependent on cl. 2.

second connecting bar (30). The table top (12) is made of blow-molded plastic (col. 1, line 35-38). The first connecting member (34) is formed integrally with the bottom surface (12b).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,622,644 to Buono. Buono '644 discloses a structure substantially the same as claimed and as discussed above including the connecting members. Bruono '644 does not expressly disclose third and fourth connecting members. It would have been obvious matter of design choice to modify Bruono '644 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,622,644 to Buono in view of U.S. Patent 3,187,859 to Maziarka. Buono '644 discloses a structure substantially the same as claimed and as discussed above

including a connecting portion. Bruono '644 does not expressly disclose the connecting portion having an angled L-iron. Maziarka '859 discloses a handle assembly (10) for containers. The handle assembly (10) has a handle portion (13,14) that is pivotally connected the flanges (66,68) of angled L-iron (15). L-iron (15) is engaged to base member (17) and base member (17) is attached by rivets (19) to the container. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Bruono and replace his connecting portion and handle and add the handle of Maziarka '859 to the inside of the connecting member so that the handle is easier to grab since it will pivot to a comfortable position.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 3,166,029 to Acton discloses a table with a handle attached to the bottom surface. U.S. Patent 6,371,034 to Simpson discloses a folding table with a handle member (47) attached to the bottom surface of the table. U.S. Patent Publication 2002/0092445 to Glover discloses a folding table with a handle attached to the side of the table. U.S. Patent 3,349,728 to Barecki discloses a handle attached to the bottom surface of the table. U.S. Patent 1,478,381 to Crimmel discloses a handle of similar shape to that of the applicant's invention. U.S. Patent 6,732,663 to Tsai discloses a folding table with a handle portion located in the center of the bottom surface of the table. U.S. Patent 6,651,568 to Buono discloses a folding table with connecting members and handles located on the bottom surface of the table. U.S.

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Patent Publication 2003/0233967 to Lin discloses a folding table with connecting bars and handle portions attached to a connecting member. U.S. Patent Publication 2003/0233968 to Strong discloses a folding table with integral handles on the inside lip. U.S. Patent 5,074,009 to Simonton discloses a handle with angled L-iron flange. U.S. Patent 687,889 to Kulp discloses a handle with a L-shaped connecting portion.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
9/01/05



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